

EMERGENCY WAIVER REQUESTS BY PUBLIC AWARDING AUTHORITIES

IN QUALIFYING EMERGENCY SITUATIONS CERTAIN PUBLIC CONSTRUCTION PROCURMENT LAWS MAY BE WAIVED UNDER G.L. c. 149, SEC. 44(A)(4) OR THE ADVERTISING REQUIREMENTS MAY BE WAIVED UNDER G.L. c. 149, SEC. 44(J)(6). UNDER THESE LAWS PUBLIC AWARDING AUTHORITIES SEEKING AN EMERGENCY WAIVER MUST RECEIVE WRITTEN APPROVAL FROM THE DIVISION OF CAPITAL ASSET MANAGEMENT.

PUBLIC AWARDING AUTHORITIES REQUESTING AND EMERGENCY WAIVER SHOULD:

Fax or mail a letter to: Mr. David Perini, Commissioner
Division of Capital Asset Management
One Ashburton Place, 15th Floor
Boston, MA 02108
Attn: Emergency Waiver Request
Fax No. (617) 727-5363

The letter should be on official agency or municipality letterhead and explain each of the following in detail:

1. Whether the awarding authority is seeking a waiver of the bidding requirements of G.L. c. 149, sec. 44A(4), and/or the advertising requirements of G.L. c. 149, sec. 44J(6);
2. The nature of the extreme emergency and how it creates an immediate threat to the health or safety of people or property;
3. How and when the awarding authority became aware of the emergency situation;
4. The proposed scope of work necessary to preserve the health or safety of persons or property for which the awarding authority is seeking an emergency waiver;
5. Why the time requirements involved in the standard bidding process will not suffice;
6. The bid solicitation process that will be used to maximize competition, minimum 3 competitive prices to the extent possible; if not possible then explain why and how vendor/contractor will be selected;
7. The approximate dollar value of the emergency scope of work; and
8. A statement that the awarding authority acknowledges that the prevailing wage law (all projects), bonding requirements (all projects) and the DCAM contractor certification requirements (projects over c. 149 building project threshold) apply to emergency projects.

Please attach relevant information such as letters, reports, orders, etc. from expert consultants and local or state officials, if any or other supportive documentation.

You will be notified before the end of the next business day whether the request is approved, denied or requires additional information. Please note that when Emergency Waivers are granted, awarding authorities must nevertheless comply with prevailing wage, bonding and DCAM contractor certification requirements.

Questions contact: George Matthews, Deputy General Counsel, (617) 727-4050 ext. 385
Susan Goldfischer, Deputy General Counsel, (617) 727-4050 ext. 389 or
Mary Kaitlin McSally, Deputy General Counsel, (617) 727-4050 ext. 316